

REMARKS

This Amendment is responsive to the Office Action mailed May 8, 2006 setting a three-month shortened statutory period for response, which expired on August 8, 2006. Applicants petition to extend the period for response so as to expire on November 8, 2006. Claims 1, 3, 8-11, 15, 20-22 and 24 have been amended to read as set forth above. Claims 1, 8, 9, 20, 21, and 24 have been amended to more clearly recite Applicants' claimed invention. Prompt reconsideration is respectfully requested in view of the above amendments, the attached Declarations, and the following remarks.

Double Patenting

Claims 1, 2, and 4-24 stand provisionally rejected on the grounds of nonstatutory double patenting over claims 1-23 of U.S. Patent Application Number 10/408,055. In view of the amendments above, it is respectfully submitted that this provisional rejection is no longer appropriate. Upon indication of allowability of at least one claim a suitable terminal disclaimer will be filed, however, if this provisional rejection should be maintained.

Rejection under 35 USC 112

Claims 3, 10, 11, 15 and 22 have been clarified so as to obviate the claim rejections under 35 USC § 112.

Rejections under 35 USC 103(a)

Claims 1-2 and 5-24 stand rejected as unpatentable over Nishio in view of Caci, et al. Enclosed herewith is a declaration of prior invention under 37 CFR 1.131 signed by all co-inventors that demonstrates that conception of the invention set forth in claims 1-24 was conceived prior to the filing date of the Caci, et al. reference and accompanied with diligence from conception to the date of filing of the instant application. Also enclosed herewith is a

Declaration by the drafting attorney as to diligence in preparation and filing of this application. Accordingly, it is respectfully submitted that this rejection should be withdrawn.

Claim 3 stands rejected as obvious over Gillete in view of Nishio et al. It is respectfully submitted that the examiner has mischaracterized Gillett et al. There is no mention or suggestion of mobility, portability or transportability of the enclosure 12 as alleged. Similarly, Nishio et al does not teach or suggest the portable configuration of a solid oxide fuel cell electrical power generator as claimed in amended claim 3. Accordingly this rejection should be withdrawn.

Claim 4 stands rejected as unpatentable over Nishio et al and Caci et al in view of Yoshimura et al. As Caci et al has been removed as a valid reference, this rejection should also be withdrawn.

Claim 25 stands rejected as unpatentable over Nishio et al and Caci et al in view of Gillett et al. As Caci et al has been removed as a valid reference, this rejection should also be withdrawn.

Claims 1-25 remain pending in the application. It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. It is also respectfully submitted that this Amendment is responsive to all points raised in the Office Action. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge \$1,020 for a three-month extension of time to file a response, as well as any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 70278.020100 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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